

By: Campbell, et al.

S.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to carrying and storing a handgun or handgun ammunition by a hotel guest.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter C, Chapter 2155, Occupations Code, is amended to read as follows:

SUBCHAPTER C. FIREARMS POLICY [~~NOTICE~~]

SECTION 2. Section 2155.101, Occupations Code, is amended to read as follows:

Sec. 2155.101. DEFINITION. In this subchapter, "hotel" means a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee ~~[has the meaning assigned by Section 156.001, Tax Code].~~

SECTION 3. Subchapter C, Chapter 2155, Occupations Code, is amended by adding Section 2155.1025 to read as follows:

Sec. 2155.1025. APPLICABILITY OF FIREARMS POLICY TO HANDGUNS. (a) Unless possession of a handgun or handgun ammunition on hotel property is prohibited by state or federal law, a hotel may not adopt a firearms policy described by Section 2155.102 prohibiting a hotel guest from:

(1) carrying or storing a handgun or handgun ammunition in the guest's hotel room;

(2) carrying a handgun or handgun ammunition directly en route to or from the hotel or the guest's hotel room;

1 (3) carrying a handgun or handgun ammunition directly
2 en route to or from the guest's vehicle located on the hotel
3 property, including a vehicle in a parking area provided for hotel
4 guests; or

5 (4) carrying or storing a handgun or handgun
6 ammunition in the guest's vehicle located on the hotel property,
7 including a vehicle in a parking area provided for hotel guests.

8 (b) A hotel may adopt a firearms policy requiring a hotel
9 guest carrying a handgun or handgun ammunition in a common area on
10 the hotel property to:

11 (1) carry a handgun in a concealed manner; or

12 (2) carry handgun ammunition in a case or bag.

13 SECTION 4. Section 30.05, Penal Code, is amended by adding
14 Subsection (f-4) to read as follows:

15 (f-4) It is a defense to prosecution under this section
16 that:

17 (1) the conduct occurred on hotel property, and the
18 basis on which entry on that property was forbidden is that entry
19 with a firearm or firearm ammunition was forbidden;

20 (2) the actor is a guest of a hotel, as defined by
21 Section 2155.101, Occupations Code; and

22 (3) the actor:

23 (A) carries or stores a handgun or handgun
24 ammunition in the actor's hotel room;

25 (B) carries a handgun or handgun ammunition
26 directly en route to or from the hotel or the actor's hotel room;

27 (C) carries a handgun or handgun ammunition

directly en route to or from the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(D) carries or stores a handgun or handgun ammunition in the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 5. Section 30.06, Penal Code, is amended by adding Subsection (e-4) to read as follows:

(e-4) It is a defense to prosecution under this section that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:

(1) carries or stores a handgun in the license holder's hotel room;

(2) carries a handgun directly en route to or from the hotel or the license holder's hotel room;

(3) carries a handgun directly en route to or from the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(4) carries or stores a handgun in the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 6. Section 30.07, Penal Code, is amended by adding Subsection (e-4) to read as follows:

(e-4) It is a defense to prosecution under this section that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:

(1) carries or stores a handgun in the license holder's

1 hotel room;

2 (2) carries a handgun directly en route to or from the
3 hotel or the license holder's hotel room;

4 (3) carries a handgun directly en route to or from the
5 license holder's vehicle located on the hotel property, including a
6 vehicle in a parking area provided for hotel guests; or

7 (4) carries or stores a handgun in the license holder's
8 vehicle located on the hotel property, including a vehicle in a
9 parking area provided for hotel guests.

10 SECTION 7. Sections 30.05, 30.06, and 30.07, Penal Code, as
11 amended by this Act, apply only to an offense committed on or after
12 the effective date of this Act. An offense committed before the
13 effective date of this Act is governed by the law in effect on the
14 date the offense was committed, and the former law is continued in
15 effect for that purpose. For purposes of this section, an offense
16 was committed before the effective date of this Act if any element
17 of the offense occurred before that date.

18 SECTION 8. This Act takes effect September 1, 2021.